72-1644

No.

Supreme Court, U. S.
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IN THE

Supreme Court of the United States

OCTOBER TERM, 1972

IMPACT DIE CASTING CORPORATION,
Petitioner,

vs.

NATIONAL LABOR RELATIONS BOARD,
Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

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Petitioner respectfully prays that a Writ of Certiorari issue to review the Decision and Order of the United States Court of Appeals for the Seventh Circuit in its Cause Numbered 72-1842, entered on April 17, 1973.

OPINIONS BELOW

The Decision and Order of the Seventh Circuit Court of Appeals in this cause is set forth in the Appendix to this petition, commencing at page A-48, *infra;* it has not been officially reported.

The decision and order of the National Labor Relations Board is set forth in the Appendix to this petition, commencing at page A-45, *infra.*

The decision, findings, conclusions and order of the Administrative Law Judge of the National Labor Relations Board is set forth in the Appendix to this petition commencing at page A-1, *infra*.

JURISDICTION

The Decision and Order of the Seventh Circuit Court of Appeals sought to be reviewed was dated and entered on April 17, 1973. Petitioner filed a timely motion for a Stay of Mandate pending application for a Writ of Certiorari which was granted by the Seventh Circuit Court of Appeals in an order dated May 8, 1973.

The United States Code, Title 28 § 1254(1) confers jurisdiction on this Court to review by Writ of Certiorari the Decision and Order here in question.

QUESTIONS PRESENTED

(1) Whether an employer's discharge of a union adherent which is primarily and effectively motivated by legitimate business considerations can nevertheless be properly found to violate United States Code, Title 29 § 158(a)(1,3) on a theory that the employer was motivated *"at least in part"* by anti-union animus?

(2) Whether the Seventh Circuit Court of Appeals in upholding the National Labor Relations Board's use of a "partial motivation" standard in this case thereby issued an order in conflict with the decisions of other Courts of Appeals and sanctioned an application and interpretation of United States Code, Title 29 § 158(a)(1, 3) which is not supported by the language of the statute or the intent of the Congress?

STATUTORY PROVISIONS AND RULES INVOLVED

(1) The National Labor Relations Act, 29 United States Code, Section 158(a)(1, 3); hereinafter referred to as § 8(a)(1, 3):

"(a) It shall be an unfair labor practice for an employer—

(1) to interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 157 of this title;

* * *

(3) by discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization."

(2) The National Labor Relations Act, 29 United States Code, Section 160 (c, f); hereinafter referred to as § 10 (c, f):

"(c) The testimony taken by such member, agent, or agency or the Board shall be reduced to writing and filed with the Board. Thereafter, in its discretion, the Board upon notice may take further testimony or hear argument. If upon the preponderance of the testimony taken the Board shall be of the opinion that any person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue and cause to be served on such person an order requiring such person to cease and desist from such unfair labor practice, and to take such affirmative action including reinstatement of employees with or without back pay, as will effectuate the policies of this subchapter: Provided, That where an order directs reinstatement of an employee, back pay may be required of the employer or labor organization, as the case may be, responsible for the discrimination suffered by him; And provided further, That in determining whether a complaint shall issue alleging a violation of subsection (a) (1) or (a) (2) of section

158 of this title, and in deciding such cases, the same regulations and rules of decision shall apply irrespective of whether or not the labor organization affected is affiliated with a labor organization national or international in scope. Such order may further require such person to make reports from time to time showing the extent to which it has complied with the order. If upon the preponderance of the testimony taken the Board shall not be of the opinion that the person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue an order dismissing said complaint. No order of the Board shall require the reinstatement of any individual as an employee who has been suspended or discharged, or the payment to him of any back pay, if such individual was suspended or discharged for cause. In case the evidence is presented before a member of the Board, or before an examiner or examiners thereof, such member, or such examiner or examiners as the case may be, shall issue and cause to be served on the parties to the proceeding a proposed report, together with a recommended order, which shall be filed with the Board, and if no exceptions are filed within twenty days after service thereof upon such parties, or within such further period as the Board may authorize, such recommended order shall become the order of the Board and become effective as therein prescribed."

* * *

"(f) Any person aggrieved by a final order of the Board granting or denying in whole or in part the relief sought may obtain a review of such order in any United States court of appeals in the circuit wherein the unfair labor practice in question was alleged to have been engaged in or wherein such person resides or transacts business, or in the United States Court of Appeals for the District of Columbia, by filing in such court a written petition praying that the order of the Board be modified or set aside. A copy of such petition shall be forthwith transmitted

by the clerk of the court to the Board, and thereupon the aggrieved party shall file in the court the record in the proceeding, certified by the Board, as provided in section 2112 of Title 28. Upon the filing of such petition, the court shall proceed in the same manner as in the case of an application by the Board under subsection (e) of this section, and shall have the same jurisdiction to grant to the Board such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Board; the findings of the Board with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall in like manner be conclusive."

(3) Supreme Court Rules, Rule 19 (1)(b):

"(b) Where a court of appeals has rendered a decision in conflict with the decision of another court of appeals on the same matter; or has decided an important state or territorial question in a way in conflict with applicable state or territorial law; or has decided an important question of federal law which has not been, but should be, settled by this court; or has decided a federal question in a way in conflict with applicable decisions of this court; or has so far departed from the accepted and usual course of judicial proceedings, or so far sanctioned such a departure by a lower court, as to call for an exercise of this court's power of supervision."

STATEMENT OF THE CASE

A. The Union Campaign

The Petitioner (Impact Die Casting Corporation) is a small manufacturer of aluminum and zinc castings located in Sandwich, Illinois. In late August, 1971, the International Molders' and Allied Workers of North America, AFL-CIO, began efforts to organize workers at the Company's plant.

Machine operator Mildred Boyce, the alleged discriminatee in this case, was active in starting and conducting the union campaign and the Company's management was aware of her activity. Through open discussion and conspicuous union activities around the plant, management soon learned the identities of approxmiately 20 other employees who also were ardent union adherents. Of the entire group of activists, only Boyce, who was terminated for reasons hereinafter discussed, and one other employee, who was suspended temporarily for damaging company property, received any disciplinary action during the organizational period. (R*. 172-174)

During the union drive, both the Company and the Union conducted vigorous campaigns to carry their views to employees. There was much discussion of the merits of the Union in informal conversations with supervisors, frequently initiated by employees, and an exchange of opinions in the form of numerous handbills and leaflets from the Union and letters and speeches from management. The Company's letters included assurances that no employee would be fired for union activities or associations and that secrecy and free choice would be observed in the representation election to be held on December 3, 1971 (R-182, 187).

The Company enlisted the assistance of legal counsel in connection with the union drive and had its counsel visit the plant to instruct supervisors concerning their duties and obligations under the Act.

The election, held under Board supervision, resulted in a "no union" vote by a margin of 39 to 34. The Union filed objections with the Board but withdrew them shortly thereafter.

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* "R" references are to the printed Appendix filed in the Court of Appeals, certified as the record herein.

B. Misconduct of Mildred Boyce

During the times relevant to this proceeding, the Petitioner had in effect written rules and regulations providing, in part, for discharge or other disciplinary action for making false or malicious statements about other employees (Rule 9), wandering outside of department of employ (Rule 10), inattention to duties and wasting time on the job, especially in washrooms (Rule 4) and falsifying information on employment records (Rule 8).

Boyce was discharged on November 8, 1971 after the Company discovered that she had filed a false and duplicative insurance claim seeking benefits for her minor son under the Company's group insurance program. Boyce's entire record was reviewed by Company President Becker and other supervisors, and it was decided that the false insurance claim, together with other recent flagrant violations of the Company's rules and her indifference to numerous warning notices issued in connection therewith, compelled dismissal (R-61, 70-71). The record of misconduct by Boyce which confronted the Company at this time may be briefly summarized as follows:

1. Harassment and Abuse of other employees.

Beginning in early September, 1971, the Company received a succession of bitter written and oral complaints from several employees (two of whom, Fogo and Ralls, were active union adherents) expressing outrage over vile accusations and malicious gossip by Boyce[1]. Fogo quit her job expressing disgust over rumors circulated by Boyce that she was a lesbian (R-149, 151). The Company issued written warning notices to Boyce concerning the foregoing conduct.

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[1] Attention is invited to the specific nature of Boyce's Abuse of one of these employees at R-136.

2. Inattention to Duties.

During October, 1971, Boyce began spending considerable periods of time away from her work area and was frequently observed loitering in the washrooms (R-73, 136). Complaints were received from women using the washroom that she was causing difficulty by making "nasty statements" to some of them. One employee, who observed Boyce in the washroom almost every time she visited the room, was subjected to obnoxious behavior and vile language by Boyce on those occasions (R-136). On October 12, the Company warned Boyce in writing concerning the foregoing conduct.

3. Solicitation of employees during working time.

On October 26, 1971, the company issued a warning notice to Boyce concerning her interference with production by soliciting employees on behalf of the union during her working time or when such employees were at work in their work areas. The notice was precipitated by an incident where Boyce attempted to summon Employee Herrera away from his work station before the end of his shift on October 22, 1973 (R-177).

Other instances of Boyce's working-time solicitation included her solicitation of a laborer, Raymond Stoudt, at his work station on September 22 and 23, 1971, and her attempt to distribute literature to employee Lockwood while she was at work at her work station on the 6th or 7th of September, 1971. The solicitation of employee Stoudt resulted in his filing a written complaint with the Company stating that he did not want to be bothered by Boyce (R-191).

4. Fraudulent Insurance claim.

On July 21, 1971, Boyce filed with the Company an insurance claim form seeking recovery of hospital and medical costs incurred in having her son treated for injuries. In

filling out the claim form, she indicated there was no group or other insurance which might be applicable to such medical expenses (R-115).

At the hearing, Boyce testified that in filling out the claim form she knew she was representing that no other insurance was held by herself or other members of her family, but insisted she was unaware at that time that her husband had any insurance. That representation was untrue. Boyce's husband, Robert, was enrolled in the group insurance program of his own employer in a nearby city providing similar medical benefits for dependents. Boyce was living with her husband during this period, conversed with him and saw him at regular intervals (R-118). Furthermore, as of that time, five recent medical claims covering the Boyce family had been processed under the husband's insurance (R-134).

Robert Boyce filed an almost identical claim covering the same injury with his employer on July 29, about 8 days after the wife's claim was received by Petitioner. He was paid $396.20 on his claim a few days thereafter. Boyce admitted knowing of this payment about the time her husband received it (R-119). However, she made no effort in the ensuing weeks to withdraw or reduce her claim with Petitioner's insurance carrier and continued inquiring when she would get her money (Id).

Approximately two months after "learning" of her husband's recovery of the benefits from his employer, Boyce absented herself from work to contact an attorney because the husband had allegedly absconded with the insurance money he had received. Upon learning of this, Company President Becker became alerted to the possibility that duplicate claims had been filed. Meanwhile, the Company's insurance carrier forwarded checks on Boyce's claim in the aggregate amount of $398.20.

Becker contacted Petitioner's carrier, which issued a duplicate coverage inquiry to the husband's insurer. It was then confirmed that the claim had been duplicated. The Company was formally advised of the outcome of the inquiry by letter dated November 2, 1971 (R-180-181). The checks sent to the Company for payment to Boyce were returned to the insurer and the termination meeting then took place.

C. The Findings and Orders Here At Issue.

1. The Law Judge's Decision.

The Law Judge found that while Boyce "untruthfully" filled out the insurance claim (A-31), "In any event . . . Boyce 'was discharged at least in part because of union activity'" (A-28). Although conceding that ". . . [the Company's] grounds (or any of them) could well have immunized the discharge . . ." (A-29) the Law Judge expressed "difficulty in believing Boyce's union role was not a significant and controlling determinant in Respondent's decision to discharge her" (A-30).

Despite the fact that Boyce did not deny the harrassment and malicious gossip charges at the hearing, and notwithstanding evidence that the Company had previously dealt severely with this form of misconduct (the Company had discharged three women for harrassment and malicious gossip similar to Boyce's before the onset of the union campaign) the Law Judge characterized this ground for discharge as pretextual. He rested his ultimate conclusion essentially on the "multiplicity", "inadequacy" and "falsity" of the Company's assigned reasons (A-30) and upon certain alleged Company communications with employees which he found to be coercive (A-13-15).

With regard to communications with employees, the Law Judge found that "most of the statements of Respondent

to its employees, in letters, as well as speeches, were within permissible bounds of protected free speech" (A-11-12). However, he further found that the Company exhibited "hostility toward unionization" and coercive conduct in certain of its expressions and remarks to employees (Id.).

2. The Board's decision.

The Board adopted the Law Judge's findings and conclusions. In so doing, it denied the Company's motion to reopen the record for receipt of newly discovered evidence fortifying the Company's position that Boyce knowingly and deliberately engaged in a pattern of duplicating insurance claims.[2] The Board's rationale was that for "reasons fully explicated in the [the Law Judge's] decision. . ." this asserted reason for discharge was nevertheless pretextual. The Board said (A-46):

> "Additional evidence of the kind sought to be introduced would add nothing except further support for his [the Law Judge's] finding of the untruthfulness of Boyce's representation."

The Board's Order directed the Company to reinstate Boyce with full backpay, to cease and desist from violating Section 8(a)(1) and (3) of the Act and to post the usual compliance notice.

3. The Seventh Circuit's Decision

In its decision dated April 17, 1973, the Seventh Circuit Court of Appeals adopted without opinion the findings and conclusions of the Law Judge and Board. However, the

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[2] See Petitioner's Motion and suggestions for reopening the Record at A-40-45.

Court did express approval of the reasoning underlying the Board's decision in its order. (A-49).

D. Scope of this Petition.

For the sake of brevity, Petitioner intends to limit its arguments herein to the question of the alleged discriminatory discharge, which it believes to be of paramount importance. However, in the event a Writ is granted, Petitioner will also seek reversal of the Section 8(a)(1) findings on the ground that such findings are erroneous and unsupported by substantial evidence.

REASONS FOR GRANTING THE WRIT

THIS COURT'S POWERS OF SUPERVISION SHOULD BE EXERCISED SINCE THE SEVENTH CIRCUIT HAS SANCTIONED AN APPLICATION OF SECTION 8(a)(3) WHICH IS DIRECTLY IN CONFLICT WITH DECISIONS OF THIS COURT AND OTHER CIRCUITS AND WITH THE INTENT OF CONGRESS AS EXPRESSED IN SECTION 10(c) OF THE ACT.

The central issue presented here is whether a Board order of reinstatement with backpay can properly rest, as it did in the instant case, on a finding that the employer acted "at least in part" out of antiunion hostility. A proper assessment of the record in this case will demonstrate that Boyce was guilty of intolerable conduct and that Petitioner's purpose in discharging her was wholly related to its legitimate desire to remove a dishonest and unfit employee from its work force.

However, even assuming that substantial evidence supports the Board's inference that Petitioner acted out of mixed motives, *one* of which was resentment of Boyce's union activities, we submit that such an inference is not

a proper foundation for finding unlawful discrimination. The Board failed to do what the law requires in this case —find on the basis of substantial evidence that Boyce's union involvement was the dominant, effective or principal reason for her discharge.

Review of the Board's enforcement actions under Section 8(a)(3) demonstrates that the Board, at least until quite recently,[3] has persisted in relying upon a "purity of motivation" standard, reasoning that all disciplinary actions not *solely* prompted by legitimate business considerations are proper targets for remedial action. See, for example, *Pacific Plywood Company*, 134 NLRB No. 77 (1961) and *American Compressed Steel Corp.*, 152 NLRB No. 39 (1965).

We contend that all too often, and indeed in the present case, this rationale has enabled the Board to disregard undisputed evidence of gross misconduct and to order reinstatement simply on the finding that *some* element of antiunion animus was present. Such an insistence upon motivational purity, which seemingly would brand any discharge of a unionist which satisfies an employer as per se illegal, is not only unrealistic, but collides with the clear intent of Congress expressed in Section 10(c) [29 U.S.C. 160(c)] of the Act. That section provides, in part, as follows:

> ". . . no order of the Board shall require the reinstatement of any individual as an employee who has been suspended or discharged, or the payment to him of any backpay, if such individual was suspended or discharged for cause . . ."

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[3] See discussion of the Board's recent decision in *P. G. Berland Paint City*, 199 NLRB No. 145, 81 LRRM 1353 (1972) at page 17, infra.

As stated in the House Committee Report[4] accompanying the Bill which became Section 10(c), the purpose of that Section, submitted as an amendment to the Taft Hartley Act in 1947, was as follows:

> "[to forbid] the Board to reinstate an individual unless the weight of the evidence shows that the individual was not suspended or discharged for cause . . .
>
> The change made . . . is intended to put an end to the belief, now widely held and certainly justified by the Board's decisions, that engaging in union activities carries with it a license to loaf, wander about the plants, refuse to work, waste time, break rules and engage in incivilities and other disorders and misconduct . . . *The Board may not 'infer' improper motive when the evidence shows cause for discipline or discharge.*" (Emphasis added)

The "partial motive" approach also disregards the teachings and interpretations of this Court. In *NLRB* v. *John Brown, et al.*, 380 U.S. 278 (1965), this Court stated the fundamental test for discrimination cases of the type here at issue. Perhaps recognizing the inconsistencies and possible abuses of discretion inherent in a partial or divisible motive standard, the Court said at page 288:

> ". . . the Board must find from evidence independent of the mere conduct involved that the conduct was *primarily* motivated by an antiunion animus." (Emphasis supplied).

This Court's criterion was closely followed in the leading case of *NLRB* v. *Whitfield Pickle Company*, 374 F.2d 576

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[4] See H. Repts. 80-1 Vol. 2-11119 at p. 42-3 (1947). While the House—Senate conferees subsequently deleted the "weight of the evidence" terminology from the bill because it was deemed to be surplusage, the record of debates shows no action was taken to disaffirm the purposes of the House bill as quoted above. See Congressional Record, Senate, June 6, 1947 at paragraph 6677, page 1594.

(5th Cir. 1967) where the familiar "but for" test was enunciated. Aptly recognizing that Section 8(a)(3) calls for an assessment of the real or determining motive behind an employer's allegedly discriminatory action, the Court said at page 582:

> "Where an employer fires a union sympathizer, the General Counsel must show by substantial evidence that 'in the absence of the union activities he would have treated the employee differently' ".

Against this background, the incongruity of the "partial motive" standard is apparent. The error of this approach was forcefully pointed out by the First Circuit Court of Appeals in *NLRB* v. *Fibers International Corporation*, 439 F.2d 1311 (1971) where the Court stated at pages 1311-12:

> "Examination of the NLRB's yearly reports shows that much more often than not we have enforced the orders of the Board. There is one area, however, where we have never seen eye to eye: the test for determining whether a discharge for established misconduct was in fact an unfair labor practice. Having in mind that a business decision is involved, it has been our position that the Board has the burden of making a clear showing that the employer's *dominant* motive was not a business one, but union animus." (emphasis supplied)

The Court continued (at page 1312, footnote 1):

> "So that there may be no misunderstanding about what we mean by dominant motive, we state it again. Regardless of the fact that enforcing the penalty may have given the employer satisfaction because of the employee's union activities, the burden is on the Board to establish that the penalty would not have been imposed, or would have been milder, if the employee's union activity, or a union animus, had not existed."

The Board petitioned the First Circuit to modify its use of the words "clear" and "dominant" in the foregoing deci-

sion. That petition was denied and the Court stated, 439 F.2d at 1315:

> "To dominate means to control. The 'dominant' motive is the controlling or effective motive. We use this particular word because of its insistent quality, to remind the Board that its burden is to find that the improper motive was the one that in fact brought about the result."
>
> * * *
>
> "With regard to our use of the word 'clear' we do not mean, as the Board fears, that its burden of proof on this issue is any greater than it is on any other. However, our experience has been that from time to time the Board not only forgets that '*partially* motivated' means *effectively motivated, but forgets that an aura of even strong union animus is not sufficient in itself, once an adequate and proper business reason has been established.*" (emphasis supplied)

The line of reasoning employed by the First Circuit in *Fibers* is also followed in decisions of the Ninth Circuit. For example, in the recent case of *NLRB* v. *West Coast Casket Company, Inc.* 469 F.2d 871 (1972) that Court observed:

> "To determine whether discharge violates Section 8(a)(3), 'the test is whether the business reason or the protected union activity is the *moving cause* behind the discharge'". (Emphasis added).

Standing in opposition to the foregoing cases are decisions of several circuits, including the Seventh, which maintain that even the slightest semblance of antiunion animus will invalidate an otherwise justifiable disciplinary action. See *S. A. Healy Company* v. *NLRB*, 435 F.2d 314, 316 (10th Cir., 1970) (violation "even if union activities are only a partial motive"); *NLRB* v. *Princeton Inn Co.*, 424 F.2d 264, 265 (3rd Cir., 1970) (violation if discharge "is

partially motivated by the employee's protected activity"); and *NLRB* v. *Gladding Keystone Corp.*, 435 F.2d 129, 131-2 (2nd Cir., 1970) (violation if "discharge was at least partially because of union activities").

Recent decisions of the Seventh Circuit indicate that it follows perhaps the most exacting standard of all: an employer's motivation for discharge must be solely and exclusively the product of legitimate business concerns. The Seventh Circuit's misinterpretation of the thrust of Section 8(a)(3) is apparent in *NLRB* v. *Symons Manufacturing Co.*, 328 F.2d 835, (1964) where the Court stated at page 837:

> "The mere existence of valid grounds for a discharge is no defense to a charge that the discharge was unlawful, unless the discharge was predicated *solely* on those grounds, and not by a desire to discourage union activity." (emphasis supplied)

This polarization of approaches to Section 8(a)(3) cases, clearly evident in the above cited court decisions, has become even more pronounced as a result of a significant recent decision of the Board (handed down about a month after the Board's Decision and Order herein) wherein a radical departure from previous Board precedents has occurred. In *P. G. Berland Paint City*, 199 NLRB No. 145, 81 LRRM 1353 (1972) the Board held that an employer's discharge of a union adherent whom it regarded as "too dangerous" did not violate the Act even though the employer previously had displayed a "considerable animus" toward the employee because of his union activity. The Board stated at 81 LRRM 1355:

> "On the record it is fair to assume that the Respondent entertained a desire to get rid of [charging party], whose union activities it resented, and was pleased to have an opportunity present itself for doing so.

But that alone is not enough to establish that the discharge was in violation of Section 8(a)(3). *The mere fact that an employer may want to part company with an employee whose union activities have made him persona non grata does not per se establish that a subsequent discharge of that employee must be unlawfully discriminatory.* If the employee himself obliges his employer by providing a valid independent reason for discharge—*i.e.*, by engaging in conduct for which he would have been discharged anyway—his discharge cannot properly be labeled a pretext and ruled unlawful.

"Save where the reason itself is unlawful, it is not for the Board to substitute its judgment for that of management as to what constitutes proper cause for discharge. Unless the ground advanced is *inherently implausible*, is *unsupported by credible evidence*, or is proved by the record *to have been used disparately* on the basis of unlawful considerations, its rejection by the Board is *unwarranted*." (emphasis supplied)[5]

Manifestly, the Board, by its *Berland* decision, has at last moved toward a rational and proper approach to discrimination cases which should have been followed by the Seventh Circuit in the case at bar.

It is submitted that the issue raised here involves more than mere semantics. Employers and employees alike presently lack clear and settled guidelines by which to measure their rights and duties under the Act. Over 10,000 charges of employer discrimination or illegal discharge are lodged with the Board each year. See 36th Annual Report of NLRB, BNA Labor Relations Yearbook, 1972, at page 201.

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[5] We submit that Petitioner's reasons for discharging Boyce were neither inherently implausible nor is there any evidence that Boyce was treated disparately. To the contrary, Boyce was discharged, in part, for the same reason that led to the discharge of three female employees before the onset of the Union campaign.

In such a setting, perpetuation of the bewildering and conflicting standards which now prevail can only serve to frustrate fair and effective administration of the provisions of the Act.

CONCLUSION

This Court should issue the Writ of Certiorari prayed for, and set aside the order here under review, not only to correct the injustice worked upon Petitioner, but also for the public good which would result from resolving the important questions presented concerning interpretation and application of the National Labor Relations Act.

Respectfully submitted,

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